



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

Robert L. Morgan  
State Engineer

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Salt Lake City, Utah 84114-6300

801-538-7240

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## BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

RE: **Howard Marshall** )  
**Water Right No(s). 71-3616** )

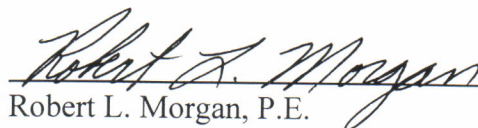
**UNLAWFUL USE OF WATER  
IN EXCESS OF WATER RIGHT**

According to Utah Code Ann. Section 73-3-1, no appropriation of water may be made and no rights to the use of water may be initiated without an application approved by the State Engineer. Water Right No(s). 71-3616 allow the irrigation of 00.00 acres and the watering of 20 head of livestock with a limitation on annual use of 00.00 acre feet of water. A comparison of aerial photography taken in mid-June 1997 with the updated water rights map shows that you are irrigating 31.00 acres more than allowed by Water Right No(s). 71-3616. The attached map shows the location of the unlawfully irrigated land.

In October 1996 you were sent an ORDER to cease the use of all water in excess of the uses and limits set forth in Water Right No(s). 71-3616. The ORDER remains in effect. You are not in compliance with the ORDER, therefore, you are subject to legal proceedings being commenced against you by the State Engineer. The State Engineer is undertaking an enforcement action in the Milford area in relation to the irrigation of unlawful acres. As resources allow, legal proceedings will be commenced against those irrigators who continue to irrigate land in excess of their water right. If you continue to unlawfully irrigate the acres described above, legal proceedings will be commenced against you.

I strongly urge you to give this matter your immediate attention. Should you have questions regarding this notice, please contact Kerry Carpenter, Regional Engineer, at 586-4231 or Lee Sim, Assistant State Engineer, at 538-7380.

Dated this 15th day of October, 1997.

  
Robert L. Morgan, P.E.  
State Engineer

cc: Kerry Carpenter  
LaVar Davis  
Enclosure



DWR  
Karen

P 991 245 120

# RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

PS Form 3800, June 1985

Sent to	Water Rights		
Street and No.	PO Box 146300		
P.O., State and ZIP Code	SLC UT 84114-6300		
Postage		\$	
Certified Fee			
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt showing to whom and Date Delivered			
Return Receipt showing to whom, Date, and Address of Delivery			
TOTAL Postage and Fees		\$	1.15
Postmark or Date	OCT 15 1997 SALT LAKE CITY, UT 84199		

## SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☒ Addressee's Address
  - ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Howard Marshall  
672 S 200 W PO Box 232  
Minersville UT 84952

4a. Article Number

P 991 245 120

4b. Service Type

- ☐ Registered  
☐ Express Mail  
☒ Return Receipt for Merchandise

- ☒ Certified  
☐ Insured  
☐ COD

7. Date of Delivery

10-17-97

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Howard Marshall

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

R 10 W

4

T 29 S

31.0 ac

Howard Marshall



